

App. No. 10/673,315
Preliminary Amendment Accompanying RCE

REMARKS

The following claims are pending in the application: 1 - 20.

Claim 1 is amended to include a limitation that the corridor compartment has a vertical height that limits a cable therein to horizontal movement rather than a combination of horizontal and vertical movement.

Priority

The Examiner acknowledged Applicants' claim for foreign priority based on an application filed in Germany on March 29, 2001, through a PCT application designating the US. Applicants have filed a certified copy of the German parent application on 22 October and a search of the IFW shows that the priority copy has been received.

35 U.S.C. §103(a) Rejection

The Examiner has rejected claims 1-20 under 35 U.S.C. §103(a) as being unpatentable over a combination of the previously-cited Ober '199 in view of German 78 13 781 U1 ("German '781"). Applicants respectfully traverse this rejection.

The present rejection is identical to the rejection in the prior action, except that the Examiner has now substituted German '781 for Yong '021. The Examiner's position is that Ober '199 discloses the claimed invention "except for the retractable cord that lies loosely in an interior compartment." The Examiner further stated that it is well known to place retractable cords into the housing of "peripheral devices" as shown by German '781 and thus it would have been obvious to combine Ober '199 with German '781 to obtain the desired result.

As the Examiner has not repeated the rejection that includes Yong '021, applicants believe that rejection to have been overcome.

Applicants respectfully note that claim 1 does not position the cord-receiving compartment in a "peripheral device." Claim 1 clearly places the cord-receiving

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compartment in the "housing," rather than the "display/operating unit," which would be a "peripheral device." The housing is where the weighing mechanism of the balance is located. It is not a "peripheral device." The Examiner certainly understands this, because the Examiner has understood from the prior Office Action Response that the cord-receiving computer mouse of Yong '021 is a "peripheral device" and that the electrical device taught in German '781 is not a "peripheral device", resulting in the substitution of German '781 for Yong '021. Applicants agree with this point.

The applicants cannot agree, however, that anything taught in German '781 would be even reasonably useful in teaching how to store a signal cable in a corridor compartment that "has a height that is sufficiently small that the cable is freely movable only horizontally inside the corridor compartment so that a required length of cable can be pulled out of the corridor compartment or an unused length of cable can be pushed into the corridor compartment," as is now required in amended claim 1. This amendment is supported at page 10 of the specification and Figures 4-7.

The real focus on the Examiner's rejection should be on Ober '199. Applicants indicated in the previous response that Ober '199 is silent on the subject of "a balance with a compartment for containing a cable." That is actually quite an understatement. Applicants will now assert that Ober '199 actively teaches against a balance with a compartment for containing a cable, as do the other references made of record by the Examiner and not applied.

The Examiner's attention is directed to Figure 4 of Ober '199. While the text of Ober '199 is silent about attachment of cable 6 to balance housing 12, Figure 4 shows this connection, and it shows a plug connection 19 on cable 6 plugged into balance housing 12. No cable storage in the balance housing is anticipated or expected. This is consistent with the teaching of the other balance patents of record, as storage of a cable in the balance housing would upset the stability of the balance if the cable can freely move about the compartment.

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Even if Ober '199 suggested cable storage, German '781 would fail to teach a cable storage compartment of limited height as now required by claim 1. Clearly, the single figure in German '781 illustrates a cable storage compartment of sufficient height that the cable stored therein can bend sufficiently in the height direction to allow the cable to turn upon itself into a stack which is three cable thicknesses high. This is the result of the cable being freely movable in both the vertical and horizontal directions instead of only in the horizontal direction.

None of the other art of record shows the vertical cable movement limitation now required by claim 1. Accordingly, claim 1 is allowable over the prior art.

CONCLUSION

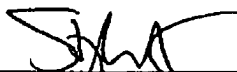
In view of the foregoing remarks, the applicants respectfully submit that the present rejection should be withdrawn and the claims allowed.

The applicants respectfully request that the Examiner telephone the undersigned attorney if a phone call could clarify or otherwise expedite prosecution of the application.

Respectfully submitted,

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